

In the United States Patent and Trademark Office

In re the Application of:

Carl Phillip Gusler)

Serial Number: 09/864,113)

Group: 3625

Docket Number: AUS920010251US1)

Examiner: Robert E. Rhode, Jr.

Filed on: 5/24/2001)

For: "Online Shopping Mall Virtual)

Association")

APPEAL BRIEF

(Reinstated)

Real Party in Interest per 37 CFR §41.37(c)(1)(i)

The subject patent application is owned by International Business Machines Corporation of Armonk, NY.

Related Appeals and Interferences per 37 CFR §41.37(c)(1)(ii)

None.

Status of Claims per 37 CFR §41.37(c)(1)(iii)

Claims 1 - 27 were previously finally rejected, and currently stand non-finally rejected after re-opening examining subsequent to Appellants' filing of a first Appeal Brief.

The rejections of Claims 1 - 27 are Appealed.

Status of Amendments after Final Rejections per 37 CFR §41.37(c)(1)(iv)

No amendments to the claims have been submitted or entered after final rejections.

Summary of the Claimed Subject Matter per 37 CFR §41.37(c)(1)(v)

This patent application claims a technology useful in online shopping, virtual malls, shopping web site navigation, and particularly technology for providing the ability of two online shoppers to be introduced to each other when they are visiting the same shopping web site, even though they are not previously known to each other (e.g. they are not on each others buddy lists), and they are not previously part of a group or association (e.g. they have not joined an introduction association such as a dating site). Accordingly, our claims to specify that the two shoppers who are automatically introduced to each other via the invention while using or visiting a same shopping web site *at the same time*, and that they were “*previously disassociated*” with each other.

More specifically, independent Claim 1 sets forth a method for providing this introduction through the steps of:

- (a) searching a list of concurrently online shoppers according to a set of search criteria (Fig. 8 #85; paras. [0032], [0056], [0057] and [0064]), the shoppers each contemporarily being a user of a common virtual shopping resource (Fig. 4 #304, paras. [0031], [0056]), the shoppers being otherwise disassociated with each other (paras. [0032], [0058]);
- (b) notifying a first online shopper that at least one other concurrently online shopper meets the search criteria (paras. [0056], [0057]); and
- (c) automatically associating the first online shopper with the one or more concurrently online shoppers meeting the criteria (para. [0052]).

Similarly, independent Claim 10 sets forth a computer readable medium encoded with software to cause a computer to perform introduce online shoppers by:

- (a) searching a list of concurrently online shoppers according to a set of search criteria (Fig. 8 #85; paras. [0032], [0056], [0057] and [0064]), the shoppers each contemporarily being a user of a common virtual shopping resource (Fig. 4 #304, paras. [0031], [0056]), the shoppers being otherwise disassociated with each other (paras. [0032], [0058]);
- (b) notifying a first online shopper that at least one other concurrently online

- shopper meets the search criteria (paras. [0056], [0057]); and
- (c) automatically associating the first online shopper with the one or more concurrently online shoppers meeting the criteria (para. [0052]).

Likewise, independent claim 19 sets forth a system for introducing online shoppers having:

- (a) a master list of concurrently online shoppers (Fig. 8 #85; paras. [0032], [0056], [0057] and [0064]), the shoppers each contemporarily being a user of a common virtual shopping resource (Fig. 4 #304, paras. [0031], [0056]), the shoppers being otherwise disassociated with each other (paras. [0032], [0058]);
- (b) a buddy list searching facility adapted to search the master list of concurrently online shoppers according to a set of search criteria (Fig. 8 #85; paras. [0032], [0056], [0057] and [0064]);
- (c) an online shopper notifier for notifying a first online shopper that at least one concurrently online shopper meets the search criteria (paras. [0056], [0057]); and
- (d) a shopper associator adapted to automatically associating the first online shopper with the one or more concurrently online shoppers meeting the criteria (para. [0052]).

Grounds for Rejection For Which Review is Sought per 37 CFR §41.37(c)(1)(vi)

Appellant requests review by the Board of the rejections of:

- (a) Claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27 under 35 U.S.C. §102(b) as being anticipated by non-patent literature entitled “Surfing” by Cook (hereinafter “Surfing”), including web site page capture from Archive.org (hereinafter “Archive”);
- (b) Claims 2, 5 - 6, 11, 14 - 15, 20 and 23 - 24 under 35 U.S.C. §103(a) as being unpatentable over Odigo in view of US Patent 6,349,327 to Tang (hereinafter “Tang”); and
- (c) Claims 7, 16, and 25 under 35 U.S.C. §103(a) as being unpatentable over Odigo in view of US Patent 6,381,583 to Kenney (hereinafter “Kenney”).

Appellants respectfully submit that the Examiner has erred in making these rejections in the following ways:

- (1) by improperly interpreting references for the basis of the rejection leading to rejections under 35 U.S.C. §102(b) and §103 which rely upon art that does not teach all of Appellants' claimed elements, steps, and limitations;
- (2) by basing rejections under 35 U.S.C. §102(b) and §103 on art which is not enabling to those ordinarily skilled in the art; and
- (3) by improperly combining references in the basis for a 35 U.S.C. §102(b) rejection.

Arguments per 37 CFR §41.37(c)(1)(vii)

Rejections of Claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27 over “Surfing” or “Archive”

The rejection basis for these claims is substantially unchanged from that of the Office Action dated 12/15/2005, except for the addition of the examiner's counter arguments to Appellants' arguments made in the first Appeal Brief.

Claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27 were rejected under 35 U.S.C. §102(b) as being in public use more than one year before the filing date of the present patent application, as evidenced by the non-patent publications “Surfing” (hereinafter “Surfing”) as published by the Daily Herald (Arlington Heights, Ill.), which refers to “Odigo.com”. Examiner has cited pages archived by archive.org from Odigo.com presumably on May 10, 2000, hereinafter referred to as “Archive”. Claims 1, 10 and 19 are independent claims, from which claims 3, 4, 8, 9; 12, 13, 17, 18, and 21, 22, 26 and 27, depend, respectively.

I. Surfing and Archive Do Not Teach All of the Claimed Elements, Steps and Limitations

Definition of “Previously Disassociated”. In the Office Action, the Examiner has argued that Appellants did not use the term “disassociated” in their disclosure, but no rejection for lack of antecedent basis was made because the disclosure supports the use of the term. The Examiner has also argued that Appellants disclosure of alternate modes of embodiment in which users can add each other to their buddy lists somehow precludes the ability to claim introduction of users which are not already aware of each other and who are not already in association with each other. Examiner has characterized Appellants' arguments and reasoning as “tortured”, has opined that “speculation” and “wonderment” would be required by an ordinarily skilled person in the art to understand the term in the manner Appellants define it, and has accused the Appellants of “trying to have it both ways”.

Appellants respond to these characterizations first. The Examiner has proposed that one or ordinary skill in the art would be fully enabled, as required by statute, by the two very brief descriptions of Surfing and Archive (see subsequent discussion regarding enablement of the

references). This same ordinarily skilled person, however, according to the Examiner's reasoning, would not be able to understand the claim phrase:

"said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other"

Is it possible that such a person who could build without undue experimentation the system described at length by Appellants with just the short descriptions of Surfing and Archive, could not also be able to understand this phrase?

Appellants respectfully submit that this is a gross mischaracterization of Appellants disclosure and claim termination, is improperly prejudicial. For these reasons, Appellants request that these particular statements in the Examiner's reasoning be disregarded.

Appellants submit that one of ordinary skill in the art would understand that the term "otherwise" in this phrase means that the primary or only criteria under which the two shoppers might be considered "associated" is that they are concurrently using the same (e.g. "common") shopping resource online. They are not part of a "shopping club" or a "user's club" associated with the online shopping resource, for example. Nor would they already be on each other's buddy list.

Further, Appellants' disclosure of modes of operation subsequent to introduction of two shoppers, such as directly adding each other to each other's buddy list, is in no way contradictory to this claim. In fact, it is only complementary to this claim and is provided in Appellants' effort to teach how to effectively use the invention as it relates to a larger online shopping experience. Appellants point out that while the present invention can be used to add buddies to a buddy list who were previously known to a particular user through a particular organization, this is not the subject of the claims and cannot be properly read into the claims. Holding that this teaching somehow contradicts a claim element, step, or limitation is improperly reading the specification into the claim, where the claims are only to be interpreted in light of the specification and only for the terms, steps, elements, and limitations actually presented in the claims.

Appellants clearly disclosed embodiments of the invention which allowed users of the system to meet each other because they are concurrently shopping on the same shopping web site, based in one embodiment, for example, on the virtual location of the users within each

other's vicinities. In this alternative embodiment, the user's do not need to be previously known to each other through an organization or a buddy list.

Therefore, the term "disassociated" is appropriate as it means "not in association", where "association" is used in the sense of the first and second definitions according to Merriam-Webster's Dictionary of Law (© 1996 Merriam-Webster, Inc.) as reported by Dictionary.com:

association (noun)

- 1 : a group of persons who share common interests or a common purpose and who are organized with varying degrees of formality —compare CORPORATION
- 2 : the act of having contact or communication with or keeping company with another <freedom of association>
- 3 : the sharing (as by an aider and abettor) in the criminal intent of a person who commits a crime

In the sense of the first definition, our invention introduces users who have common interests and are commonly surfing a shopping web site, but who are not organized with a degree of formality (e.g. they are not members of a group or organization in common such as the Odigo community, AOL community, etc.).

In the sense of the second definition, our invention introduces users who have not previously communicated or "kept company" with each other (e.g. they have not added each other to their respective buddy lists).

The Examiner argued that because the two shoppers are shopping on a common web site they share a common purpose, thus they are "associated", not "disassociated". However, the definition also includes that to be associated, they must be "organized with varying degrees of formality". As such, our use of the term is appropriate and accurate, because our two users who are introduced to each other are sharing a purpose (shopping the same web site), but are not previously organized with any degree of formality. The term "otherwise disassociated" serves to clarify that definition.

The Surfing NPL Reference. The entire extent of, not just a passage or quote from, "Surfing" is a merely two sentence summary of the operation of the Odigo product, which appears as follows:

"Odigo shows the sites most popular with Odigo users, with a bar graph over each site to illustrate just how popular they are. Once at a site, you can bring up a "radar screen" window that shows you which Odigo users are there." (Page 2 of 2 of "Surfing" as provided by the examiner from <http://proquest.umi.com>, printed on 12/13/04, emphasis added by Appellant).

Please note that the Odigo system introduces user of the Odigo system, but there is no mention of any other introductions being made. The question then turns to whether or not Odigo users are "previously disassociated" with each other, as we have claimed.

The Archive Reference. The pages as reportedly archived on May 10, 2000, apparently from the web site of the product or service provider, Odigo.com, as well as the citation from "Surfing", clearly describe a product which finds "Odigo users" or "Odigo community members" when they are visiting the same web site:

"This is the People Finder view of Odigo. See all those little figures in the circle? They represent the male and female (guess which ones are which!) Odigo members surfing the Net." (Odigo's "10-second tour" first page, emphasis added by Appellant)

"Wherever you're surfing, Odigo will show you who else is on the same site, ready to chat. Just click on the little man in the toolbar to instantly bring into view all the other Odigo members on the same site with you." (Odigo's "10-second tour", pg. 2 of 5 page, emphasis added by Appellant)

The other pages from the Odigo archive are clearly disclosing a "community" of users formed by installing and joining or using the Odigo product. These users have profiles, and even pictures, previously associated with their Odigo member ID numbers. As such, all users of Odigo are "previously associated" (not previously *dis*associated) with each other, before they visit a common web site, even if they have not actually communicated with each other yet. For example, there is no disclosure provided by Archive which discloses that Odigo can find users or visitors to a common website who have not previously downloaded, installed, and joined

Odigo's community of users, including establishing a "profile".

Appellants have claimed that the "shoppers" between whom the invention enables communications are visiting "a common virtual shopping resource", and are "otherwise disassociated with each other". In other words, they have not previously joined a common chat group, or common community, such as AOL, which would allow them to "find" each other. Appellants have disclosed multiple methods for accomplishing this, including, but not limited to, introductions of members from each others' buddy lists (para. 0054), and establishing communications between two shoppers currently viewing the same page (e.g. within the same virtual geographical mall space) as each other but who are not on each other's buddy list (para. 0056).

As such, Appellants have employed the term "otherwise disassociated" using the conventional definition, and consistent with our disclosure, to mean "not associated", in any other manner other than the fact that they are currently visiting the same spot in a virtual shopping mall.

The Examiner has counter argued that Odigo's PeopleFinder function introduces "previously disassociated" users, but has not entered any evidence showing how an Odigo user can use the PeopleFinder function to find a non-Odigo user. Because Odigo is an association with a "degree of formality" (e.g. users must "join" Odigo, complete a profile, etc.), introduction of two Odigo users to each other does not anticipate our claimed element, step, or limitation.

For these reasons, neither "Archive" or "Surfing" taken alone or in summation anticipate or place the applicant's claimed invention in public use or on sale more than one year before the filing date of the present patent application. Hypothetically, if the rejection were made under 35 U.S.C. §103 as Surfing in view of Archive, the combination would still fail to teach all of our claimed steps, elements, and limitations. Applicant requests reversal of the rejections of Claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27 for these reasons.

II. The Combination of Surfing and Archive into a Virtual Single Reference Under 35 U.S.C. §102(b) is Improper, References are Not Enabling

In the rationale for the rejections of claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27, the examiner has referred to the Surfing reference and the Archive reference

“collectively” virtually as a single reference.

The entirety of the Surfing disclosure is merely two sentences, and the Archive disclosure provides only a description of the functional features of the Odigo service without any details of how the system accomplishes the features.

As best as Appellants understand the formulation of the rationale for the rejection, the examiner has not proposed a combination of the Archive reference with the Surfing reference in a manner as prescribed under 35 U.S.C. §103. Instead, Appellants believed the Examiner considered them to be about the same reference, so they were cited as a single reference. Appellants have submitted that they must be considered separately under 35 U.S.C. §102, as they are technically separate non-patent documents from separate sources (e.g. a newspaper source and a web page archiving source). To treat them collectively as a single reference under 35 U.S.C. §102 would be to circumvent the requirements of establishing a prima facie case of obviousness under 35 U.S.C. §103, which is discussed in section of our arguments following this present section.

In the Office Action dated 6/21/2006 following the first Appeal Brief, in reply to this argument from the Appellants, the Examiner has clarified that combining Surfing and Archive into a single reference is proper for a §102(b) rejection as noted at MPEP 2131.01 because one reference evidences that the other reference is an enabled disclosure.

There are two errors in this holding:

- (a) MPEP 2131.01 does not authorize the combining of multiple references into a single reference, but authorizes making a §102 rejection over multiple references. There is no exemption to the requirement to specifically point out which reference provides teaching of each claimed element, step, or limitation. Thus, they must be treated separately in the rationale for the rejection, and cannot be collectively referred to by a single, examiner-assigned name or handle.
- (b) The reason provided by the Examiner of one disclosure evidencing the enabled condition of another disclosure is not supported by the art itself, where neither disclosure individually is enabling, and the sum of the information provided by the multiple references is not enabling. Examiner has argued that since the cited

references describe a product which was actually available for use, that the public is enabled by this available product.

Art cited under 35 U.S.C. §102(b) must enable the public to practice the invention. If the cited art is an issued U.S. patent, enablement is presumed due to presumption of validity of patents. However, if the cited art is non-patent literature, as Surfing and Archive are, enablement is not presumed. Consequently, if a non-patent literature reference is not enabling, then the public was not in possession of the invention, and no rejection under §102(b) is proper.

The Examiner has argued that the two references are properly combined into a single reference as one reference is evidence of enablement of the other. The Examiner has not specified which reference serves as evidence to the other, except to reason that because the references purport that the Odigo product can be downloaded and used, that it therefore was "enabling".

This is an incorrect interpretation of the enablement requirement. If the Odigo product were indeed proven to have been available for download, installation, and use, then the references would be evidence of *operability* of the reference and how to *use* the Odigo technology. Enablement is met only if the public is put into possession of both how to use and how to *make* the invention, not just install it and use it,

As such, the Examiner's argument relies on the ability of a hypothetical "person of ordinary skill in the art" to both *make* and *use* the Odigo technology. Because Odigo provides no details of the system's logical processes other than the outwardly observable results of its functions, Surfing and Archive are not enabling disclosures. For these reasons, it is improper to hold that one reference provides evidence of an enabled disclosure of the other reference.

If treated as an individual references under 35 U.S.C. §102(b), each must teach all of the claimed elements, steps, and limitations, which they fail to do as previously discussed. And, to treat them collectively as a single reference under 35 U.S.C. §102 improperly circumvents the requirements of establishing a *prima facie* case of obviousness under 35 U.S.C. §103, which fails to afford Appellant the opportunity to address them individually for their individual teachings, or to rebut any presumptions of conditions for obviousness.

For these reasons, Appellants request reversal of the rejections of claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27 for these reasons.

Rejections of Claims 2, 5 - 6, 11, 14 - 15, 20 and 23 - 24 over Odigo in view of Tang

In the Office Action, Claims 2, 5 - 6, 11, 14 - 15, 20 and 23 - 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Odigo in view of Tang.

Claims 2 and 5 - 6 depend from independent Claim 1, Claims 11 and 14 - 15 depend from independent Claim 10, and Claims 20 and 23 - 24 depend from independent Claim 19.

Because in the rationale for these rejections Surfing and Archive are improperly relied upon for teaching claimed elements, steps, and limitations discussed in the foregoing paragraphs, the proposed combination of Surfing and Archive, improperly collectively referred to as "Odigo", in view of Tang, fails to teach the same claimed elements, steps, and limitations.

For these reasons, allowance of claims 2, 5 - 6, 11, 14 - 15, 20 and 23 - 24 is requested.

Rejections of Claims 7, 16, and 25 over Odigo in view of Kenney

In the Office Action, Claims 7, 16, and 25, were rejected under 35 U.S.C. §103(a) as being unpatentable over Odigo in view of Kenney.

Claim 7 depends from independent Claim 1, Claim 16 depends from independent Claim 10, and Claim 25 depends from independent Claim 19.

Because in the rationale for these rejections Surfing and Archive are improperly relied upon for teaching claimed elements, steps, and limitations discussed in the foregoing paragraphs, the proposed combination of Surfing and Archive, improperly collectively referred to as "Odigo", in view of Tang, fails to teach the same claimed elements, steps, and limitations.

For these reasons, allowance of claims 7, 16, and 25 is requested.

Respectfully,



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Claims Appendix
per 37 CFR §41.37(c)(1)(viii)

Clean Form of Amended Claims

Claim 1 (previously presented):

A method for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said method comprising the steps of:

searching a list of concurrently online shoppers according to a set of search criteria, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other;

notifying a first online shopper that at least one other concurrently online shopper meets said search criteria; and

automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria.

Claim 2 (original):

The method as set forth in Claim 1 wherein said step of notifying a first online shopper comprises providing a buddy position indicator on a graphical map of an online shopping mall.

Claim 3 (original):

The method as set forth in Claim 1 wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper name criteria.

Claim 4 (original):

The method as set forth in Claim 1 wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position criteria.

Claim 5 (original):

The method as set forth in Claim 1 wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper interest term criteria.

Claim 6 (original):

The method as set forth in Claim 1 wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position proximity criteria.

Claim 7 (original):

The method as set forth in Claim 1 wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values.

Claim 8 (original):

The method as set forth in Claim 1 wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises establishing a communications session between said online shoppers.

Claim 9 (original):

The method as set forth in Claim 8 wherein said step of establishing a communications session between said online shoppers further comprises making a record of said communications session.

Claim 10 (previously presented):

A computer readable medium encoded with software for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said software when executed by an online shopping computer system causing computer system to perform the following actions:

search a list of concurrently online shoppers according to a set of search criteria, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other;

notify a first online shopper that at least one concurrently online shopper meets said search criteria; and

automatically associate said first online shopper with said one or more concurrently online shoppers meeting said criteria.

Claim 11 (original):

The computer readable medium as set forth in Claim 10 wherein said software for notifying a first online shopper comprises software for providing a buddy position indicator on a graphical map of an online shopping mall.

Claim 12 (original):

The computer readable medium as set forth in Claim 10 wherein said software for searching a list of concurrently online shoppers according to a set of search criteria comprises software for searching by an online shopper name criteria.

Claim 13 (original):

The computer readable medium as set forth in Claim 10 wherein said software for searching a list of concurrently online shoppers according to a set of search criteria comprises software for searching by an online shopper position criteria.

Claim 14 (original):

The computer readable medium as set forth in Claim 10 wherein said software for searching a list of concurrently online shoppers according to a set of search criteria comprises software for searching by an online shopper interest term criteria.

Claim 15 (original):

The computer readable medium as set forth in Claim 10 wherein said software for searching a list of concurrently online shoppers according to a set of search criteria comprises software for searching by an online shopper position proximity criteria.

Claim 16 (original):

The computer readable medium as set forth in Claim 10 wherein said software for automatically associating said first online shopper with said one or more concurrently online shoppers comprises software for setting position coordinates for both shoppers to equivalent values.

Claim 17 (original):

The computer readable medium as set forth in Claim 10 wherein said software for automatically associating said first online shopper with said one or more concurrently online shoppers comprises software for establishing a communications session between said online shoppers.

Claim 18 (original):

The computer readable medium as set forth in Claim 17 wherein said software for establishing a communications session between said online shoppers further comprises software for making a record of said communications session.

Claim 19 (previously presented):

A system for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said system comprising:

a master list of concurrently online shoppers, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other;

a buddy list searching facility adapted to search said master list of concurrently online shoppers according to a set of search criteria;

an online shopper notifier for notifying a first online shopper that at least one concurrently online shopper meets said search criteria; and

a shopper associator adapted to automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria.

Claim 20 (original):

The system as set forth in Claim 19 wherein said notifier comprises a buddy position indicator on a graphical map of an online shopping mall.

Claim 21 (original):

The system as set forth in Claim 19 wherein said searching facility is adapted to search by an online shopper name criteria.

Claim 22 (original):

The system as set forth in Claim 19 wherein said searching facility is adapted to search by an online shopper position criteria.

Claim 23 (original):

The system as set forth in Claim 19 wherein said search facility is adapted to search by an online shopper interest term criteria.

Claim 24 (original):

The system as set forth in Claim 19 wherein said search facility is adapted to search by an online shopper position proximity criteria.

Claim 25 (original):

The system as set forth in Claim 19 wherein said associator is adapted to set position coordinates for two or more shoppers to equivalent values.

Claim 26 (original):

The system as set forth in Claim 19 wherein said associator is adapted to establish a communications session between two or more online shoppers.

Claim 27 (original):

The system as set forth in Claim 26 wherein said associator for establishing a communications session between online shoppers further comprises a communications recorder making a record of said communications session.

Evidence Appendix*per 37 CFR §41.37(c)(1)(ix)*

No evidence has been submitted by applicant or examiner pursuant to 37 CFR §§1.130, 1.131, or 1.132.

Related Proceedings Appendix*per 37 CFR §41.37(c)(1)(x)*

No decisions have been rendered by a court or the Board in the related proceedings as identified under 37 CFR §41.37(c)(1)(ii).